

Remarks

Please cancel claims 23-59, without prejudice to renewal. Claims 23-59 are canceled in response to the Restriction Requirement. This subject matter will be prosecuted in a continuation application.

Restriction Requirement

Applicants thank Examiner Nguyen for the helpful telephone conference with their representative on October 31, 2003.

As discussed with Examiner Nguyen, in response to the Restriction Requirement, Applicants elect the subject matter of Groups 1-21, which are drawn to nucleic acid sequences. In response to the requirement of an election of species, Applicants elect claims drawn to SEQ ID NO: 1 (DV35), without traverse. It is Applicants' understanding from the helpful telephone conference with Examiner Nguyen that this would be considered to be Group 1.

Applicants note that the Office action (see page 4) states that the Restriction Requirement between the linked inventions (Groups 1-21) is subject to the non-allowance of the linking claims. Thus, it is the Applicants' understanding that if claim 1 (directed to oligonucleotides of at least about 16 nucleotides in length, having a nucleic acid sequence represented by the generic formula set forth as 5' X₁X₂X₃ Pu₁ Py₂ CpG Pu₃ Py₄ X₄X₅X₆(W)_M(G)_N-3', wherein the central CpG motif is unmethylated, Pu is a purine nucleotide, Py is a pyrimidine nucleotide, X and W are any nucleotide, M is any integer from 0 to 10, and N is any integer from 4 to 10) is considered to be allowable, the subject matter of Groups 1-21 will be rejoined.

Thus, based on the Office action, and the telephone conference, it is the Applicants' understanding claims directed to SEQ ID NO: 1 will be examined with the generic claims. In addition, it is the Applicants' understanding that the restriction requirement between Groups 1-21 will be withdrawn if the generic linking claims (1-10 and 13-22) are found to be allowable.

Requirement for Additional Elections of Species

With regard to the requirement to elect a species of targeting moiety in claim 20, Applicants elect liposome.

Claim 24 is canceled herein as being drawn to a non-elected invention. Applicants submit that the cancellation of claim 24 renders the requirement to elect a species of immune cell moot.

Claims 30-32 are canceled herein as being drawn to a non-elected invention. Applicants submit that the cancellation of claims 30-32 renders the requirement to elect a species of cytokine moot.


Conclusion

If any matters remain to be discussed prior to substantive examination, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Susan Alpert Siegel, Ph.D.
Registration No. 43,121

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446